

COURT OF APPEALS
DIVISION II

2021 APR -7 PM 1:05

STATE OF WASHINGTON

BY AP
DEPUTY

NO. 54583-7-II

THE COURT OF APPEALS

State of Washington

In re Marriage of:
PAUL RYAN ADGAR,

Petitioner/Appellant

And

PAMLA JO ADGAR,

Respondent/Appellee

RESPONDENT/APPELLE'S

RESPONSIVE BRIEF

Pamla Jo Adgar
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P/m: 4/1/21

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STATEMENT OF THE CASE

Overview and Statement of the Case

Respondent agrees this was a marriage of less than four years and that no real property or children were of this union. The entirety of this appeal is addressing the issue of whether the Court was in error when granting a restraining order against the Petitioner and the terms and conditions thereof.

ARGUMENT AND STATEMENT OF FACTS

Petitioner argues that the Restraining Order was based on untenable grounds or based on untenable reasons. However, Mr. Adgar, representing himself Pro Se at the time of Presentation, and according to the Court Transcript, threatened the Court staff and Respondent with physical harm during the recess of the proceedings and then lied about doing so when questioned by the Honorable Judge Gerald Nelson.¹

¹ Verbatim Report of Proceedings [VRP] of Presentation on March 2, 2020 at Pg 93, beginning with Line 8, Pg 94, beginning at Line 1

Respondent presents that when Mr. Adgar choose to represent himself he was doing so agreeing to be held to the same standards of conduct and exposure to disciplinary sanctions as an attorney.²

Petitioner argues he was denied a continuance of the trial date but intentional fails to inform the court he requested and was granted a continuance of the trial date on *three* prior occasions prior to being denied, to wit: The following is a list of trial dates set by the Court and Petitioner's requested to continue the trial date:

1. 01/28/2019 - Order Setting Original Case Schedule with a trial date set of 08/27/2019;
2. 06/11/2019 - Petitioner requested a continuance of the trial date, was granted setting the new trial date for 12/04/2019;
3. 10/01/2019 Petitioner requested a continuance of the trial date, was granted and a new trial date was set for 01/16/2020;

² According to the King County Pro Se Handbook, at Pg 7, beginning at Paragraph 1.1, as well as The Rules of Professional Conduct [RPC] as set forth By the Washington State Courts.

4. 12/17/2019 Petitioner requested a continuance of the trial date, was granted and a new trial date was set for 02/25/2020.
5. 02/03/2020 Petitioner requested a continuance of the trial date and was denied.


CONCLUSION

Respondent must remind the Court this was a very short union of less than four years with no real property or children. Respondent must also remind this Court the marriage was extremely volatile. Petitioner caused abusive, severe bodily harm to Respondent during this association, and made several physical attempts to end Respondent's life. Restraining Orders should never be taken lightly. This Restraining Order and No Contact Order was put in place to protect Respondent's life. Respondent is terrified of this man and thanks God Judge Nelson saw Petitioner's true demeanor.

Petitioner states Judge Nelson granted the Restraining Order based on untenable conditions. According to the Merriam-Webster Dictionary, the very

definition of the word "untenable" is: "incapable of being defended or justified, indefensible, unreasonable,,," [emphasis added] Respondent does not agree that the issuance of the Restraining Order was untenable. Nor was the length of time imposed for the Restraining Order. Judge Nelson did have the right and authority of the Court to put into place the Restraining Order. Keeping in mind the extreme volatility of this relationship, Respondent contends the terms of the Restraining Order and the length of time before termination are just and reasonable. Respondent is a single woman and should not be left unprotected.

Respectfully submitted this 28th day of March
2021.



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PROOF OF SERVICE

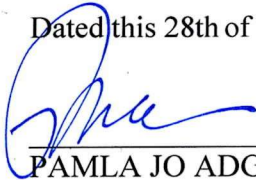
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CERTIFICATE OF SERVICE

I declare that I am over the age of 18, Respondent/Appellee herein, and a resident of Pierce County, Washington. I swear I personally caused to be served by depositing into the US Mail, Registered, Return Receipt Requested, a copy of the following: A true and correct copy of Appellee's Responsive Brief to be served on Petitioner, Paul Adgar's, attorney of record, Beverly Y. Allen, WSBA #42889, at 1502 S Union Ave, Suite 1, Tacoma, WA 98405

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 28th of March 2021, at Tacoma, WA.



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